

Amendment After Final Rejection
Serial No. 09/822,447

Docket No. US010160

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-4, 6-14, 16-18 and 23-32 are pending and stand rejected. Claims 1, 8, 11, 23, 30, 31 and 32 have been amended.

Claims 1,2, 4, 6-12, 14, 16-18 and 23-32 stand rejected under 35 USC 103(a) as being unpatentable over Chiu (USP no. 6,452,615) in view of Milewski (USP no. 6,289,346).

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims. However, in the interest of advancing the prosecution of this matter, the independent claims have been amended to recite that the starting point and endpoint are determined by the detection of changes of information associated with the selected frame in frames prior to and subsequent to the selected frame. No new matter has been added.

Support for amendment may be found in the written description on at least page 13, lines 15-20, which states, "[i]n one embodiment of the invention, ... [t]he system can then extract the selected frame and generate both the DCT frame signature as well as the color histogram, for example. The analysis program search searches through the previous stored frames until it finds one that does not belong to the same color palette. This denotes the start of the scene. The program has continued [sic] analyzing the video until it locates the end of the scene by virtue of another significant change in color palette."

Chiu, as read by applicant, discloses a note-taking device that allows a user to capture stills from the media streams, make annotations and reference important events that occur during a note-taking session (See Abstract). Chiu further discloses that "during a note-taking session, each instance of a note-look client produces a note file consisting of digital link stokes, thumbnails and background snaps. These objects are time stamped and attributed with a channel number, which provides indexes into the video streams" (see col. 6, lines 23-27). Hence, Chiu discloses system that enables a user

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to mark a position (a start position) in a video stream that may be used to index into the video stream at a latter time. However, Chiu fails to teach or suggest that the start position is determined by changes in information associated with a selected frame in frames prior to the selected frame as is recited in the claims.

Milewski, as understood by applicant, discloses a book marking system that includes a user input device wherein a user can bookmark an archived version of a program for a future reference. The system utilizes a user input to communicate to a server to identity of a program of interest and the network uses the identification information for the program of interest to identify a URL for the archived version of the program" (See Abstract). In one aspect of the device, Milewski teaches that the video can be segmented between fade-ins and fade-outs and each segment can be associated with a starting URL (see col. 5, lines 50-52). Hence, Milewski teaches a system that defines a URL as a starting point of a video stream and fails to teach or suggest an endpoint of the segment or that the starting point is determined based on changes from selected scene or frame.

A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

In this case, Chiu teaches a system that allows a user to interactively select a frame and use that frame as a starting position to view images or video. Milewski, teaches segmenting a video stream and defines the segment by a starting URL. However, one would not look to modify the teachings of Chiu by the teachings of Milewski as such a combination would be contrary to the teachings of Chiu. More specifically, Chiu teaches allowing a user to interactively set starting points while Milewski defines predetermined starting point represented by URLs. Hence, there is no suggestion in Chiu that would motivate one skilled in the art to incorporate the URLs of Milewski as starting positions.

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Even if it were possible to combine the teachings of Chiu and Milewski, the combined device does not render obvious the invention claimed, as the combination of Chiu and Milewski fails to teach or suggest all the elements claimed. More specifically, even if the user determined starting positions of Chiu were represented by the URLs of Milewski, the combined device would not determine starting positions based on detecting changes of information ... with respect to the frame recorded information in frames prior to and subsequent to the selected frame," as is recited in the claims. Rather, the combined device would merely mark the starting position selected by Chiu with the URL of Milewski.

Having shown that there is no teaching or suggestion to combine the references cited or that the teachings were combined, the combined device would not include all the elements claimed, applicant submits that the reason for the rejections of claim 1 has been overcome and the rejection can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

With regard to the remaining independent claims, these claims recited subject matter similar to that recited in claim 1 and were rejected citing the same references used in rejecting claim 1. Thus, the remarks made in response to the rejection of claim 1 are applicable in response to the rejection of the independent claims. For the amendments made to the claims and for the remarks made in response to the rejection of claim 1, which are reasserted, as if in full, in response to the rejection of the remaining independent claims, it is submitted that the reason for the rejection of these claims has been overcome and the rejection can no longer be sustained. It is respectfully requested that the rejection be withdrawn and the claims allowed.

With regard to the remaining claims, these claims ultimately depend from the independent claims, which have been shown to be allowable over the cited references. Accordingly, the remaining claims are also allowable by virtue of their dependence from an allowable base claim.

Claims 3 and 13 stand rejected under 35 USC 103(a) as being unpatentable over Chiu/Milewski and Brewer (USP no. 6, 285,361).

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Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims.

The aforementioned remaining claims in this application are each dependent from an independent claim discussed above. As shown above the independent claims are not obvious in view of the teachings of Chiu and Milewski and the additional reference cited fails to provide any teachings to correct the deficiencies in the combination of Chiu and Milewski.

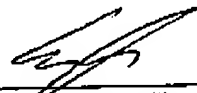
Accordingly, the aforementioned remaining claims are also allowable by virtue of their dependence from an allowable base claim.

Since each dependent claim is also deemed to define an additional aspect of the invention, individual consideration of the patentability of each on its own merits is respectfully requested.

Although the last Office Action was made final, this amendment should be entered. No matter has been added to the claims that would require comparison with the prior art or any further review. Accordingly, pursuant to MPEP 714.13, applicant's amendments should only require a cursory review by the examiner. The amendment therefore should be entered without requiring a showing under 37 CFR 1.116(b).

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited reference. A Notice of Allowance is respectfully requested.

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Date: November 2, 2005

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